IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 20127 of 2004

Between:

1.B. Nandakumar, S/o. Late Bheemaiah,
R/o House No. 10-3-375(502RT), Vijayanagar Colony, Hyderabad.
2.B. Mukunda Rao, S/o. Late Bheemaiah,
R/o House No. 10-3-375(502RT), Vijayanagar Colony, Hyderabad.

..... PETITIONERS

AND

1.The Government of Andhra Pradesh rep by its Principal Secretary, Department

of Home, Secretariat, Hyderabad.
2.The Commissioner of Police, Bhasheer Bagh, Hyderabad.
3.The Circle Inspector of Police, Humayan Nagar Police Station,
Hyderabad.
4.B. Samba Murthy, S/o. Late Bheemaiah,
R/o. 202, Kaveri Block, Divyasakthi Apartments, Hyderabad.
5.B. Ravindra Babu, S/o. Late Bheemaiah,
R/o. House No. 10-3-375(50/2RT), Vijayanagar Colony, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the highhanded action of the officers of the 3rd respondent in interfering with the peaceful possession and enjoyment of the petitioners Houses bearing No. 10-3-375, (50/2RT), Vijayanagar Colony, Hyderabad at the instance of the respondents No. 4 & 5 as highly arbitrary, illegal, highhanded and violative of the fundamental rights guaranteed to the petitioners under Articles 14, 19 (1) (g) and 21 of the Constitution of India and consequently direct the 3rd respondent and his officers not to interfere with peaceful possession and enjoyment of the petitioners

Houses bearing No. 10-3-375, (50/2RT), Vijayanagar Colony, Hyderabad.

Counsel for the Petitioners: MR.V.R.REDDY KOVVURI

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

Counsel for the Respondent Nos.4 and 5: ---

The Court, at the admission stage, made the following:

ORDER:

Petitioners seek a writ of Mandamus declaring the alleged action of the officers of the third respondent, Circle Inspector of Police, Humayun Nagar Police Station, Hyderabad, in interfering with the possession and enjoyment of the petitioners' house bearing No.10-3-375, (50/2RT), Vijayanagar Colony, at the instance of the respondents 4 and 5, as arbitrary and illegal.

On behalf of the respondents 2 and 3, the Station House Officer, Humayun Nagar Police Station, filed a counter affidavit denying all the allegations made by the petitioners and stating that there are civil disputes between the petitioners and the respondents 4 and 5 with regard to house No.10-3-375 (50/2RT) situated at Vijayanagar Colony, Hyderabad, for which the fourth respondent filed O.S.No.1946 of 2003, which is still pending on the file of the Court of the V Senior Civil Judge, City Civil Court, Hyderabad. It is further stated that the respondents 2 and 3 have nothing to do with the civil disputes and that they never interfered with the said disputes. It is also stated that as on date no complaint whatsoever has been received by the any of the official respondents with regard to interference with the peaceful possession and enjoyment of the property of the petitioners. All other allegations made by the petitioners are specifically denied.

In view of the unrebutted averments in the counter affidavit denying all the allegations made by the petitioners, no further adjudication is necessary. Accordingly recording the statement of the respondents 2 and 3 in the counter affidavit, the writ petition is disposed of. No costs.

17.11.2004

Note: Furnish CC in one week

(b/o)

VGB

To

1.The Principal Secretary, Government of Andhra Pradesh, Department

of Home, Secretariat, Hyderabad.
2.The Commissioner of Police, Bhasheer Bagh, Hyderabad.
3.The Circle Inspector of Police, Humayan Nagar Police Station,
Hyderabad.

4.2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT)

5.2CD copies